

East County Multiple Species Conservation Program (ECMSCP) Plan Open House Summary

May 25, 2005, 9:30 a.m. – 11:00 a.m.
Planning Commission Hearing Room
County of San Diego Department of Planning and Land Use
5201 Ruffin Road, San Diego, CA 92135

Attendees:

There were 56 attendees, including County Staff and interested parties

Handouts:

- East County MSCP Plan fact sheet and study area map.

1. CALL TO ORDER

Tom Oberbauer, Chief of the MSCP Division, welcomed attendees to the public workshop and gave a brief summary of the MSCP Planning process.

- The East County MSCP Plan is the third plan that follows the South County MSCP Plan approved by the Board of Supervisors in 1997 and the North County Plan that the County anticipates will be considered by the Board of Supervisors by 2006.

2. PROJECT OVERVIEW/PRESENTATION

Kim Zuppiger, East County MSCP Project Manager, provided an overview of the East County Study area and the planning process for the Habitat Conservation Plan.

- The County of San Diego only has jurisdiction over private parcels in the unincorporated County.
- Approximately 75% of the East County Study Area is surrounded by land owned by other Public Agencies that have their own conservation plans (NCCP plans) that are separate from the East County MSCP Plan.
- The County will coordinate planning efforts with the various districts/public agencies to determine where and how conservations plans will be able to complement one another.

The following maps were presented:

- **Parcel Ownership Map** – this map indicates the various public lands within the Plan area.
- **East County MSCP Parcel Size Map** – this map shows that most parcels are greater than 20 acres within the proposed Plan area
- **General Plan 2020 (GP2020) Residential Baseline Map** – The County Board of Supervisors directed GP2020 staff to study a residential baseline

map that indicates densities in the area, which ranges from 24 units per 1 acre down to 1 dwelling unit per 160 acres.

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"5-25-05 ECMSCP Powerpoint"**

3. QUESTIONS AND ANSWERS

Q1: Are there priority sets of lands within targeted cells, special linkages, or biological corridors? How can incentives be provided in order to set up corridors and not have piecemeal mitigation? The MSCP is setup and implemented using established preserve areas and Pre-Approved Mitigation Areas (PAMA) that are preferred conservation areas. These areas consist of blocks of land linked to other blocks of natural land. As development occurs inside or outside of the PAMA, mitigation is encouraged to occur inside the PAMA. Before the current MSCP was adopted, development impacts were mitigated in scattered areas, resulting in highly fragmented preserves. The East County MSCP will focus mitigation toward specific areas through mitigation incentives, i.e. if impacts occur outside the PAMA but are mitigated within PAMA there will be lower mitigation requirements.

Development within PAMA will also be required to comply with the criteria set forth in the Biological Mitigation Ordinance (BMO), which regulates that the project design protects resources and preserves wildlife corridors.

The County of Riverside Multiple Species Habitat Conservation Plan is separated into cells and is different from County of San Diego plans. Under the MSCP, mitigation or acquisition is directed toward the entire preserve area and not relegated to certain cells.

Q2: Are Tribal lands included? Tribal lands are not a part of the plan unless the tribes request to be included in this effort. The County MSCP Plans stand alone and do not rely upon the Tribal lands to meet conservation goals. The North County MSCP Plan is currently working with the RINCON Tribe for inclusion in the Plan.

Q3: Under the East County plan, would Pre-Approved Mitigation Area (PAMA) be the exclusive mitigation area? There are many property owners with large acres of land that are designated lower density with lower value but could possibly be recouped as mitigation land. The Plan boundaries are configured through a progressive habitat-based modeling process to predict areas where species may occur in order to gain coverage for them under the Plan. These areas will be identified as PAMA. The Biological Mitigation Ordinance (BMO) will focus conservation towards PAMA but not necessarily only in PAMA.

- Q4: Once mitigation areas are set up, will the strain be taken off of the developers building outside of PAMA? Will the build-out of preserves decrease the difficulty of developing outside of the preserve?** The mitigation ratio is less for development outside of PAMA if mitigation for that development takes place within PAMA. Upon adoption of the MSCP, the County holds the permit for take of species and the developer obtains “third party beneficiary status.” Under the County’s permit, there is still a mitigation requirement, but it is not necessary for developers to obtain separate take permits from the USFWS or CDFG
- Q5: Does this plan fall under the MSCP Framework Management Plan?** The MSCP requires that a Framework Management Plan be prepared to guide management and monitoring activities in preserve lands. A Framework Management Plan was prepared for the existing South County Plan. The North and East County Plans will have their own Framework Management Plans.
- Q6: How will the East County Plan go forward if neither the California Department of Fish and Game (DFG) or US Fish and Wildlife Service (USFWS) (Wildlife Agencies) have signed off on the Framework Management Plan for South County MSCP Subarea Plan?** The South County MSCP Framework Management Plan went through several iterations with the Wildlife Agencies. The Framework Management Plan and South County MSCP Subarea Plan were approved by the County of San Diego Board of Supervisors. The County will continue to work with the Wildlife Agencies on this matter.
- Q7: Will there be connectivity in habitats with Mexico?** One aspect of the Plan is to deal with the border area and connectivity issues with Tecate, Protrero and northern Baja California. These areas will be evaluated.
- Q8: What are the plans for restoring Camp Lockett and when will the process begin?** The County Board of Supervisors (BOS) took action to move toward restoring Camp Lockett as a special park for historical purposes. The County Parks and Recreation Department would have more information.
- Q9: Will the plan do anything with Safe Harbors?** Safe Harbor Agreements that are entered into by private landowners and the US Fish and Wildlife Service assure landowners who voluntarily improve habitat for endangered species that their future land development won't be limited if they attract endangered species to their property or increase their numbers. The concept for this Plan is that it does the same thing but on a regional scale and for multiple species simultaneously. The Safe Harbor process under the concepts proposed for this Plan would not be necessary.

The North County Plan is focusing on a cooperative effort to address the needs of farmland within the North County Plan area. The idea is that there are some

farmlands that have conservation value for species and connectivity. The goal would be to maintain these lands as farmland to help with species preservation. On May 11, 2005 the Board of Supervisors adopted Board policy I-133 to encourage and support farming in San Diego County. Christine Brochard is the project manager for the County of San Diego Farming Program and her e-mail address is Christine.Brochard@sdcounty.ca.gov.

- Q10: Is the County developing a policy to manage all properties in light of the Environmental Trust (TET)?** With regard to TET, the courts are working out the situation. With regard to conservation and management of properties, the County is responsible for monitoring the lands that are set aside as preserve. Monitoring has to do with evaluation and species assessment. Regarding large properties, there are some land trusts that exist, but the intent is that land will be put into preserve through fee title ownership, conservation easements or conservation banks that are acceptable to the State of California.
- Q11: Now that the County has initiated the East County MSCP Plan, as development projects come forward, will they be reviewed so as not preclude conservation opportunities?** The East County MSCP Plan will not change anything regarding project review. Projects are already being evaluated to determine if they preclude land/habitat connectivity issues.
- Q12: In what manner will public outreach be conducted?** There will continue to be meetings with stakeholders and anyone who wishes to be notified. At a point later in the process, all property owners will be notified of the Plan and that it may affect their property. They will be provided with a means to be informed about the process for creating the Plan. In the North County MSCP Plan, a number of meetings have been held separately with the interest groups, but there will be others in the future in which all stakeholders will be meeting together.
- Q13: Will public utility agencies be able to use this plan as a take authority mechanism as well as private property owners?** Yes, depending on what the public utility needs are. SDG&E, and in some cases the County Water Authority, have their own plans but may be added to the East County Plan. Currently Helix Water District, Padre Dam and Sweetwater Water District are completing a separate habitat conservation plan.
- Q14: Are there land use restrictions in targeted preserve areas or agricultural lands such as those to regulate off road vehicles?** The County is going through the GP2020 (General Plan update) process and looking at land use in a separate process. The County doesn't regulate off-road vehicle use on a person's private land unless the project is in conflict with zoning ordinances that cover commercial uses.
- Q15: The East County Plan will be different from North and South County MSCP Plans because there has been less on the ground survey work and there**

are not as many endangered listed species to drive the plan. What updates/refinements are planned to the resource and vegetation mapping and how will the diversity of the backcountry be captured without a select group of species driving the plan? Vegetation mapping was done for the entire County at the time of the South and North County Plan, and it is being updated. Gap areas especially around the desert and mountain areas are being completed. With regard to species coverage, there are more critical species in the East County than the South and North County Plan areas.

The existing South County Plan covers 85 species, the North County Plan proposes to cover between 55 and 65 species and the East County Plan has the potential to cover 254 sensitive species. There are key driving species such as Arroyo Toad, Stephen's Kangaroo Rat, and Laguna Mountain Skipper Butterfly. The biggest difference is that there is so much public land that there is a need to have agreements with other agencies. The County does not have control over other jurisdictional land (i.e. public lands including the Cleveland National Forest, State Parks and BLM) use but would like to coordinate land uses and plans. There are more species to be concerned about that are narrow endemics with limited distribution and could potentially be listed in the future.

Q16: Is there refined enough information on vegetation communities and resources that will be able to address the endemic species? Will fieldwork be conducted? With regard to addressing endemics, information is available from the species predictive model and point data from different sources. There will not be extensive field surveys of the area. Species and Habitat modeling will be used because the study area is so large and there are so many sensitive species. This is not a problem in terms of lack of data. Although 75% of the land is in public ownership, it can't be assumed that land will be preserved and allow coverage of species because there are many different land uses and different statuses of management plans. Because County jurisdiction land is interspersed within public lands, a meeting with public agencies was held in May 2005 order to provide an overview of the East County Plan and to understand the status of conservation plans. The public agencies indicated that they are willing to share their biological and GIS data and the County will continue to coordinate with them.

Q17: Is there a dimension of surveying? There are properties in which modeling is inaccurate. No model is 100% accurate and there are errors based on inclusion and exclusion, but the goal is to have information on a regional scale. There is not an ability to survey the entire East County study area. On the ground information will override the Species Predictive Model information. The models are tools to help create the Plan but do not supercede the need for on the ground surveys. As development projects come forward, environmental planners visit sites as a part of the environmental review process and make corrections if the model is wrong; there is a feedback process.

- Q18: The East County Plan area will have species that are widely roaming such as the big horn sheep and the golden eagle that cover a wide area. Focusing on habitat may not be adequate to ensure preservation of these species.** This is where cooperative agreements with National Forest Lands and BLM lands will ensure that lands are managed cooperatively and allow for animals to move and traverse large areas. The Independent Science Advisors (ISAs) are technical experts that will review the plan along with the Wildlife Agencies as part of the Biological Opinion. Everything will be peer-reviewed as required by the NCCP/HCP and subject to review by the USFWS as far as what species will get coverage and which areas are approved for mitigation. Also, concurrently with this plan, there is the GP2020 process, which applies densities based on a variety of factors, not just biological but also infrastructure and land uses. In a majority of the situations in which there is a proposed reduction in density, these areas coincide with areas necessary for large ranging animals. The MSCP Plan doesn't cover all regulatory requirements and development projects that are submitted to the County are still reviewed under CEQA for environmental impacts.
- Q19: Have the models been validated for East County?** There are three different models. The Species Predictive Model takes the different kinds of habitats and attributes that a species needs, puts this information in a matrix and applies GIS layers to the matrices, coming up with a potential distribution of individual species. This is folded into the Habitat Evaluation Model (HEM) that has different inputs for species such as habitat patch size and edge effect. The ISAs for North County suggested that the Sites Model Reserve Selection Algorithm be used to determine where the preserves will be located. Once the consultant for the East County MSCP Plan is on board, the Species Predictive Modeling and Habitat Evaluation Modeling will take place and be folded into the Sites Model concept. Since the East County Plan is just starting no modeling has been conducted yet.
- Q20: How is the County dealing with the No Surprises Act?** The No Surprises Act says that once conservation measures are put into place through a Habitat Conservation Plan (HCP), if an additional unforeseen circumstance comes up, additional requirements will not be placed on the permittee (in this case the County) and must be dealt with without requesting additional property owner requirements. The existing South County MSCP Plan complies with the No Surprises Act and doesn't rely on the words of the No Surprises Act. The concept was folded into the Plan and because of the recent actions by USFWS, we don't anticipate that the No Surprises issue will be a problem.

- Q21: How will the Homeland Security and Border Patrol's goal of securing the border mesh and be coordinated with conservation goals?** The County staff will be in contact with the Border Patrol. There is a Border Patrol Task Force as well as Tijuana River Watershed working group and County staff will be meeting with these stakeholders.
- Q22: What kind of documentation is available on previous GIS modeling?** The County's website has power point presentations as well as ISA reports on GIS modeling. As part of the plan is created, the documentation will be included but is not completed as of yet.
- Q23: Has the Independent Science Advisors (ISAs) Panel been set up for East County and who is on it?** The County has invited the ISAs that participated in the North County MSCP planning process to act as ISAs for the East County MSCP plan. The ISAs that have expressed interest in participating in the East County Plan include Reed Noss, who prepared the North County MSCP report, along with Tricia Smith, Paul Beier, Jeff Opdyke, and Esther Ruben. Once the consultant is on board for the East County project, the modeling for the project will be conducted and workshops will be held with the ISAs.
- Q24: How do plans mesh with special districts such as Vista Irrigation district?** In the past, the water districts have decided to create their own Habitat Conservation Plan separately. They are not required to be part of our MSCP plan.
- Q25: Will the Independent Science Advisors (ISAs) be reviewing certain points throughout the process or at the end? Will they provide input on modeling choices, data quality and key species?** ISAs will provide review when the models have been created but before finalized and run. They were the ones that proposed the use of the Sites Model, which is the basis for the Pre-Approved Mitigation Areas (PAMAs).
- Q26: Is there a plan for quality control in data?** Yes, the data that exists is checked for accuracy when input on the GIS process. In the North County Plan, the known data points were compared to the model results and used to refine the models. It is valuable to receive feedback from property owners to let the County know where there are errors in model as a result of on-the-ground surveys. There is not a funding mechanism to survey the entire East County study area.

Q27: There is a paradigm for planning for a developed area. Expect a different Habitat Conservation Plan (HCP) paradigm in the East County dealing with more intact landscapes, not just a triage to meet the minimum requirements. How can the plan avoid a minimalist preserve design if it has jurisdiction over only small portions of the land? Regardless of what is done on private lands there are major areas that are sustained as a result of the public ownership patterns that already exist. The goal is to make sure that the important private lands are addressed and included in the plan. The County does not have the authority to control lands under jurisdiction of the Forest Service or other public agencies, but all have the same goal to protect resources while allowing for the appropriate uses.

The GP 2020 process and the Multiple Species Conservation Planning (MSCP) process have utilized similar information to evaluate landscape issues such as slopes, corridors, and environmental constraints. Projects are still subject to CEQA review and there are different resource plans being done on public lands. Lessons from South County planning process have been incorporated into the North County Plan and lessons from both previous plans will be incorporated into the East County Plan. More information is also available for the East County Plan such as bird, plant, and mammal atlases that are being published by the San Diego Natural History Museum and its partners.

Q28: What lessons have we learned from previous Habitat Conservation Plans (HCPs)? Since the South County Plan has been approved there have been approximately 30,000 acres of land that have been acquired for conservation purposes. Prior to this Plan there would have been more development, piecemeal and fragmented open space patches and no unified conservation. Further, there would be no US Fish and Wildlife Service National Wildlife Refuge. There is a lot of land being conserved in the County and these plans are the way to do it. The plans are a catalyst for more conservation, for example Otay Ranch.

CLOSING COMMENTS

The County MSCP Staff appreciates your input and the opportunity to work with all of the stakeholders/interested parties. We will continue to keep you informed about the project as we move forward.

The meeting was adjourned at 11:00 a.m.